

DATE: 6-8-06

FILE REF: SLZ Mitigation

TO: Advisory Committee

FROM: Gregg Breese

SUBJECT: Summary of mitigation

What was proposed previously:

- “Mitigation” means action taken to minimize the adverse impacts of development. Examples of mitigation include, the installation of vegetative buffers, the removal of on-conforming structures from the shoreland setback area, the inspection and upgrading of private on-site wastewater treatment systems and the implementation of best management practices for erosion control.

Proposed Actions requiring Shoreland Mitigation (to be decided in Setback, Density and Nonconforming Sections)

- Additions, structural repairs or alterations to nonconforming structures
- (1) Additions, structural repairs or alterations to nonconforming structures or  
(2) New development or construction of any new structural component within the required shoreland setback area (whether resulting from a variance or setback averaging)
- ♦ Development of Substandard Lots
- Construction, additions, structural repairs or alterations to structures within the shoreland zone (1000 feet of lakes, 300 feet of rivers and streams, or the floodplain)

Proposed Implementation of Shoreland Mitigation

- Submittal of approved Shoreland Restoration Plan and Contract which meets the requirements of shoreland vegetation protection zone
- Point System offering several options to property owners, including, but not limited to, shoreland restoration meeting or exceeding requirements of shoreland vegetation section, removal of nonconforming accessory structures, use of earth-toned building materials, and update of septic systems, if needed. Point system may be a sliding scale, with larger impacts requiring more points

Options for Administration of Shoreland Mitigation

- Permit with mitigation requirements not valid until County files an affidavit with the County Register of Deeds Offices, giving notice that permit required mitigation and measures shall remain in place in perpetuity or until the structure for which the permit was granted is removed
- Permit with mitigation requirements not valid until property owner files an affidavit with the County Register of Deeds Offices, giving notice that permit required mitigation and measures shall remain in place in perpetuity or until the structure for which the permit was granted is removed
- Permit with mitigation requirements not valid until property owner files a Deed Restriction with the County Register of Deeds Offices, giving notice that permit required mitigation and measures shall remain in place in perpetuity or until the structure for which the permit was granted is removed

Focus group activity

- Performance standards=State
  - Specification standards=Counties
  - Mitigation=Improvements=Lessening  
Examples include re-vegetation, removal of intrusive shoreline structures, and removal or treatment of toxins. Improvements do not imply returning the shoreline area to aboriginal, or pre-European settlement conditions.
1. How do we achieve performance zoning standards within a statewide rule allowing for specification standards within county rules? For example, a performance standard would be “that walls, floor and ceiling be constructed as to contain an interior fire for one hour.” Specification standard would be “that walls, floors, and ceilings be constructed of 4-inch thick masonry or stone.”
  2. How do we create a system to assure that all specifications meet the performance standards over time?